IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3020/2005

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filed pursis dated 7.8.2004 to the effect that the respondent supports the judgment and decree of the Trial Court. The petitioner has made a grievance against her Counsel. I allowed Miss. Rane to make submissions on merits of the cross-objection rather than ignoring the cross-objection on the ground of non-payment of costs or the allegations against the Counsel. On cross-objection, Miss. Rane, learned Counsel argued that the respondent was not his landlord, and therefore, finding ought to have been returned by both the Courts below that respondent was not his landlord and consequently the petitioner was not liable to pay any rent to the respondent.

Having perused the judgment and decree passed by the Courts below, I find that the Appellate Court has ordered petitioner to pay arrears of rent only @ Rs.45/- per month, rejecting the case of landlord that the said rate of rent was Rs. 175/- per month. The Appellate Court has thus ordered payment of Rs.1575/- towards arrears with interest @ Rs.6% per annum and in addition costs of Rs.350/-. I do not find any error on the part of the Appellate Court in making order regarding payment of arrears of rent. Now in so far as argument advanced by Miss Rane about cross-objection is concerned, I find that the Courts below have concurrently found that the respondent had purchased the property by registered sale-deed dated 22.3.1983 and that is how she became the owner. When confronted, Miss.

Rane is unable to point out anything from the record as to how the said evidence of title could be disputed by her client. To a query whether her client filed interpleader suit, her answer was 'no'. It, therefore, appears that the petitioner is merely beating around the bush. There is no substance in the present writ petition. The same is dismissed in limine. No order as to costs.

JUDGE

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